

The D&O and Management Liability Marketplace

The Latest Products, Coverage Issues, and Claims and Underwriting Trends

The D&O & Management Liability Marketplace: The Latest Products and Coverage Issues

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The Latest Products and Underwriting Trends

Current Claims Trends

Current Underwriting Trends

- **What Are You Seeing In The Market? What Is New?**
 - SEC Investigations Coverage
 - Entity Coverage
 - Coverage for Regulatory Investigations?
 - Derivative Investigation Costs (sublimited/drop down excess)
 - Section 220 Books & Records
 - Cyber/Bitcoin/FinTech/InsureTech Issues
- **What Are You Seeing?**
 - Increased Defense Costs
 - Plaintiffs' Attorneys' Fees
 - Late Notice/ "Material Prejudice" requests
 - New Definitions (Definition of "Claims")?
 - Shaving of Limits issues?
 - Multi-National Claims
 - Evolution of New Products (excess/drop down)

Current Underwriting Trends

- **What Non-Traditional Areas are being offered?**
 - TCPA?
 - Governmental investigations into cyber breaches?
 - Qui Tam/False Claims Actions?
 - FLSA Claims?
- **Additional Provisions Being Addressed?**
 - Coordination of Coverage?
 - Relatedness Provisions
- **Others?**

Current Underwriting Trends

- **Are We Seeing Anything Different for Private and Not For Profit Companies?**
 - **Conduct Exclusion wording**
 - **Government Funding for Minority-Owned Business**
 - **Coverage for Antitrust**
 - **Notice of Claim Trigger**
 - **Breach of Contract coverage**
 - **Emerging Purchase of Side A DIC**
 - **EPL: Wage & Hour Coverage/FLSA**
 - **Fiduciary Liability: Settlor Liability Coverage**
 - **Crime Policies: Social Engineering/Fraudulent Impersonation**
- **Aligning policies to match a company's risk profile?**

Current Claim Trends

- **Effects of consolidation in the D&O Market**
 - Are we seeing any issues?
 - Insight into how policies and insurer teams are being meshed?
 - Soft Market/Will it Harden?
- **Seeing more negotiation of policy language?**
 - Your company negotiate policy language?
 - What Is best way to approach negotiations?
- **Anything other issues in the claims arena?**

Current Claim Trends

Top Issues You Are Seeing On the Claims Side?

- Any Trends?
- Any Differences from Past Years?
 - Books & Records Demands?
 - Appraisal Actions?
 - Increases in SEC-related Investigations and Enforcement?
 - Merger Objections?
 - Cyber Activities?
- Exclusions Being Addressed?
 - Conduct Exclusions?
 - Inadequate Compensation?
 - New Exclusions gaining prominence?
- Effect of Market Consolidations on Claims Handling.

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